

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CYNTHIA D. SIMS,)	CASE NO. 1:07CV1663
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE VECCHIARELLI
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	<u>ORDER ADOPTING REPORT AND</u>
Defendant.)	<u>RECOMMENDATION</u>

This matter is before the Court to review the final decision of the Commissioner of Social Security denying the applications of plaintiff, Cynthia D. Sims, for Disability Insurance Benefits and Supplement Security Income pursuant to 42 U.S.C. §405(g) and 42 U.S.C. §1383(c)(3).

The Magistrate Judge submitted a Report and Recommendation (ECF Doc. 23) recommending the Commissioner's decision be reversed, to wit: (1) denying Plaintiff's applications for Disability Insurance Benefits and Supplemental Security Income and remanding the decision for reconsideration of the Residual Functional Capacity finding as to exertional and mental limitations and to address whether Plaintiff could perform

any number of local or national jobs.

The Commissioner of Social Security does not object to the Magistrate Judge's Report and Recommendation.

Therefore, the Court adopts the Report and Recommendation of the Magistrate Judge, **REVERSES** the decision of the Commissioner and **REMANDS** this matter for reconsideration of the Residual Functional Capacity finding as to exertional and mental limitations and whether Plaintiff could perform any number of local or national jobs.

IT IS SO ORDERED.



Christopher A. Boyko
U.S. District Court Judge

August 28, 2008

FILED

AUG 29 2008

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND